

## UNITED STATES DISTRICT COURT

## SOUTHERN DISTRICT OF CALIFORNIA

'08 MJ 8152

UNITED STATES OF AMERICA, ) Magistrate's Case No.:  
Plaintiff, )  
v. ) COMPLAINT FOR VIOLATION OF  
Raul GUTIERREZ-Villalobos ) Title 21, U.S.C., § 841(a)(1)  
Defendant. ) Possession with Intent to  
 ) Distribute (Felony)  
 )  
 )

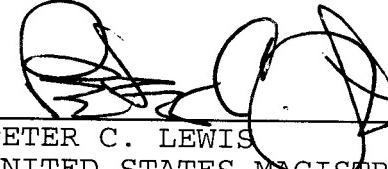
The undersigned complainant being duly sworn states:

That on or about February 19, 2008, within the Southern District of California, defendant Raul GUTIERREZ-Villalobos did knowingly and intentionally possess, with intent to distribute approximately 1,823.43 kilograms (4,019.9 pounds) of marijuana, Schedule I Controlled Substance, in violation of Title 21, United States Code, Section 841(a)(1).

And the complainant states that this complaint is based on the attached Statement of Facts, which is incorporated herein by reference.

  
MICHAEL ORTIZ  
Special Agent  
Drug Enforcement Administration

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 19<sup>TH</sup> DAY  
OF FEBRUARY, 2008.

  
PETER C. LEWIS  
UNITED STATES MAGISTRATE JUDGE

1           **UNITED STATES OF AMERICA**

2           **v.**

3           **Raul GUTIERREZ-VILLALOBOS**

4           **STATEMENT OF FACTS**

5           This Statement of Facts is based on the reports, documents and  
6           notes furnished to Drug Enforcement Administration Special Agent  
7           Michael Ortiz.

8           On February 19, 2008, Border Patrol Agent C. Zepeda was assigned  
9           at the Highway 111 Checkpoint near Niland, California. At  
10          approximately 10:30 P.M., while Agent Zepeda was conducting primary  
11          inspection, a green 1999 Kenworth W900 tractor trailer approached the  
12          checkpoint. Agent Zepeda identified himself as a United States Border  
13          Patrol Agent. Agent Zepeda asked GUTIERREZ-VILLALOBOS for the proper  
14          paper work for the cargo that GUTIERREZ-VILLALOBOS was hauling. Agent  
15          Zepeda noticed GUTIERREZ-VILLALOBOS was getting nervous when looking  
16          for the paper work. GUTIERREZ-VILLALOBOS began looking for his paper  
17          work in the sleep cab of the truck. Agent Zepeda observed GUTIERREZ-  
18          VILLALOBOS looking for the paperwork on the bedding material and  
19          underneath the bed itself. At this point, Agent Zepeda referred the  
20          tractor trailer to secondary inspection.

21          In secondary inspection, Agent Zepeda asked GUTIERREZ-VILLALOBOS  
22          to search the trailer with a service canine. GUTIERREZ-VILLALOBOS  
23          consented to the search. GUTIERREZ-VILLALOBOS was unable to produce  
24          the paperwork for the cargo that was being hauled. The service canine  
25          alerted to the back of the trailer and to the front left corner near  
26          the refrigeration unit. Agent Zepeda noticed that the trailer was  
27          locked with a CBP Bolt seal. Agent Zepeda conducted a search of the  
28          trailer which revealed 332 bundles wrapped in brown packaging tape

1 laced with a greasy substance that contained a green-leafy substance.  
2 The green-leafy substance was then tested using a NIK testing kit and  
3 it tested positive for the properties of marijuana. A total of 4,019  
4 pounds (1,823.43 kilograms) of marijuana was recovered from the  
5 trailer. This was the only cargo that was present in the trailer.

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29